MGJ

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

L.P.A. No.34 of 2007
with
Civil Application No.28 of 2007

The President
Shradha Shikshan Sanstha ..Appellant

vs.

Shri Vithal Krishna Sutar
and another ...Respondents

Shri R.S.Apte i/b Shri A.A.Garge for appellant.
Shri S.A.Rajshirke for respondent no.1.

CORAM: S.B.MHASE &
R.S.MOHITE JJ.
14th March 2007

P.C.

1. Heard.

2. Perused the order passed by the learned single Judge. We have also perused the copy of resignation dated 26th July, 2000 which shows that respondent no.1 has tendered resignation of the post of acting Head Master. Apart from that the original resignation letter has not been produced on record by the management. There is concurrent finding of facts recorded by the school tribunal as also the learned single Judge that the resignation

of the post of Asstt.Teacher was not given. No point of law is involved in the present matter. If factually the resignation was not tendered it is improper to say that the resignation has been tendered. Therefore, taking into consideration the facts as have been found by the school tribunal and the learned single Judge we refrain to entertain the L.P.A. L.P.A. is rejected.

3. In view of rejection of the L.P.A. civil application does not survive and hence rejected.

(R.S.MOHITE J.) **(S.B.MHASE J.)**